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PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ICHIRO OKAMURA, et al.

Application No.: 09/588,549

Filed: June 7, 2000

For: OPTICAL ENCODER

Examiner: C. Kao

Group Art Unit: 2882

August 2, 2002

Commissioner for Patents  
Washington, D.C. 20231RESPONSE TO ELECTION OF SPECIES REQUIREMENT  
WITH TRAVERSE

Sir:

In response to the Election Of Species Requirement dated July 2, 2002,

Applicants provisionally elect the species of Group I corresponding to Figures 9 to 13B.

Claims 1 to 5, 13 to 15, 30 and 33 read on the elected species. In addition, as noted by the Examiner, Claim 35 is generic and should therefore be examined on the merits along with the claims of the elected species.

The election is made with traverse. Traversal is on the grounds that there would not be undue burden in examining the claims of all five species in a single application. It has always been Applicant's prerogative to present claims to a reasonable number of species, as the term "reasonable" is used in 37 C.F.R. § 1.141(a). In this case, only five species have been identified by the Examiner, all of which involve related optical encoders.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on Aug 2, 2002 (Date of Deposit)

Michael K. O'Neill

Name of Attorney for Applicant

Signature

Date of Signature

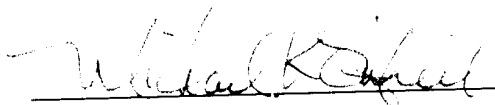
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Applicant therefore submits that the maintenance and examination of all claims in the same application is reasonable and is not believed to be unduly burdensome on the Examiner. Accordingly, reconsideration and withdrawal of the Election Of Species Requirement is respectfully requested.

Finally, it is Applicants' understanding that the present requirement to elect supercedes that of the Office Action dated November 17, 2001. If this understanding is incorrect, then Applicants request full clarification of the current status of restriction, and further reserve the right to change their election if this clarification does not match their current understanding.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
Attorney for Applicants

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